

constitutionally independent, and the House of Assembly, in seeking vaguely to cure a disease which it had not in reality diagnosed, frequently overstepped its sphere, with the result that it was dissolved time after time."—(Lefroy, *Constitutional Law of Canada*, pp. 20-21).

The Constitutional Act was at first accepted as an improvement on the previously existing method of Government, but as time went on, the increasing population and wealth of the provinces, combined with the narrow and selfish policy of the privileged few, led to frequent clashes between the Executive and the Assembly, complicated in Lower Canada by the difference of races. In 1837, a rebellion in each province, though speedily stamped out, led to the appointment of Lord Durham by the Home Government as a special commissioner clothed with more extensive powers than had ever before been held by a representative of the Crown in British North America, as he was governor-in-chief of the five provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia and Prince Edward Island, high commissioner for the adjustment of certain important questions respecting the form of and the future government of Upper and Lower Canada, and high commissioner and governor-general of all the provinces on the continent, and of Prince Edward Island and Newfoundland.

The famous report made by Lord Durham to Parliament is almost universally regarded as the greatest political document in our history. He saw clearly the necessity of re-establishing harmony between the executive and the legislative branches of the government by making the former, as in England, responsible to the latter. He insisted also upon the desirability of establishing a free democratic system of municipal government, by participation in which citizens would secure a training which would be of use in fitting them for the wider duties of public life. Upper and Lower Canada were to be united under a single Parliament, and in the Act provision was to be made for the voluntary admission to the union of the other British North American Provinces.

While Lord Durham was disavowed by the Home Government, his report formed the basis of the Act of Union of 1841, which united Upper and Lower Canada under a single Parliament, in which each province was equally represented. This equality of representation, applied to provinces of differing race, religion and institutions, finally became unworkable; deadlock became the parent of Confederation, under which each province could legislate on its own local affairs, while a common Parliament was established for all the provinces agreeing to come into Confederation.

Confederation.—While suggestions for the union of the British North American provinces date as far back as 1789, the first legislative action looking to this end was taken by the Assembly of Nova Scotia in 1861. In 1864 delegates from Nova Scotia, New Brunswick and Prince Edward Island assembled in Charlottetown to confer in reference to a union of these provinces. A second convention, at which the province of Canada was represented, met in Quebec on Oct. 10,